

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

T-MOBILE NORTHEAST, LLC :
: :
Plaintiff, : :
: : CIVIL ACTION
v. : : No. 16-1108
: :
CITY OF WILMINGTON, DELAWARE, :
and CITY OF WILMINGTON ZONING :
BOARD OF ADJUSTMENT :
: :
Defendants. : :

ORDER

AND NOW, this **16th** day of **January, 2020**, is is hereby ORDERED that the Court will hold oral argument on the parties' cross-motions for summary judgment (ECF Nos. 138 & 155) on **February 24, 2020 at 10 a.m. in Courtroom 15A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.**

Counsel shall be prepared to address, *inter alia*, whether the Third Circuit's test for "effective prohibition" or the FCC's recent interpretation of that term should govern this case and, given that this case was filed four years ago and the speed at which technology changes, whether there is an alternative way to resolve the parties' disputes with or without the help of a neutral third-party.

It is hereby further ORDERED that Plaintiff's motion for leave to file a sur-reply is GRANTED and Plaintiff may file a single, brief sur-reply, not to exceed 3.5 pages, addressing

the Defendants' citation to PDR Network, LLC v. Carlton & Harris Chiropractic, Inc., 2019 WL 2527470 (U.S. June 20, 2019) and Kisor v. Wilkie, 2019 WL 2605554 (U.S. June 26, 2019) in D.I. 176 and 177 **by January 24, 2020.**

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.